

REMARKS

The Office Action indicates that the reply filed on June 8, 2005 is not fully responsive to the prior Office Action because it allegedly fails to “present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references,” and also allegedly fails to “clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.” Initially, the Applicant notes that no reply was filed in this Application on June 8, 2005. For purposes of responding to this Office Action, the Applicant assumes the Office Action intended to refer to the Response to Restriction Requirement filed by Applicant on June 5, 2008. The Applicant traverses the Office Action’s assertion that the Response to Restriction Requirement filed on June 5, 2008 was not fully responsive to the prior Office Action for at least the foregoing three reasons.

First, the Response to Restriction Requirement filed on June 5, 2008 is fully responsive to the prior Office Action, which is the Restriction Requirement mailed on May 6, 2008. The Response to Restriction Requirement filed June 5, 2008 satisfied the only two requirements of the Restriction Requirement: (i) it elected the invention to be examined (Group I), and (ii) it identified the claims encompassing the elected invention (claims 2-21, 23, 32, and 39-41). In addition, although not required, the Response to Restriction Requirement filed June 5, 2008 provided reasons why the Applicant considered the Restriction Requirement to be improper.

Second, the prior Office Action, which is the Restriction Requirement mailed on May 6, 2008, contained **no** prior art rejections. Therefore, there were no prior art references for Applicant to distinguish, or to identify novelty over, when filing the Response to Restriction Requirement on June 5, 2008.

Third, the Applicant has already responded to the latest round of prior art rejections in this application. The last Office Action in this application to include prior art rejections was the non-final Office Action mailed on June 20, 2007. The Applicant responded to all of those prior art rejections in its Amendment filed on September 20, 2007, and the prior art rejections were subsequently withdrawn. Therefore, there are currently no outstanding prior art rejections. In addition, the Applicant responded to the 35 U.S.C. § 101 rejection from the non-final Office Action mailed on December 31, 2007 in its Amendment filed on January 23, 2008. Accordingly, there are currently no unanswered rejections based on prior art or other substantive criteria.

In view of the foregoing, the Applicant submits that the current Office Action's allegation that the reply filed on June 8, 2005 is not fully responsive is improper. As a result, the Applicant requests that the Office Action be withdrawn, and that the application be allowed.

Respectfully submitted,

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